

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE MIDDLE DISTRICT OF TENNESSEE
3 NASHVILLE DIVISION
4 BOZA PLEASANT-BEY,)
5 Plaintiff,)
6 VS.)
7 STATE OF TENNESSEE, et al,)
8 Defendants.)
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22 Prepared by:
23 Carole K. Briggs, LCR #345
 Briggs & Associates
24 222 Second Avenue, North, Suite 340M
 Nashville, Tennessee 37201
25 Briggscourtreporting@hotmail.com

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APPEARANCES :

FOR THE PLAINTIFF:

JANNA MAPLES, ESQUIRE
Branstetter, Stranch & Jennings, PLLC
The Freedom Center
223 Rosa L. Parks Avenue
Suite 200
Nashville, Tennessee 37203
triciah@bsjfirm.com
jannam@bsjfirm.com

FOR THE DEFENDANT, STATE OF TENNESSEE:

NIKKI N. HASHEMIAN, ESQUIRE
Tennessee Attorney General's Office
P.O. Box 20207
Nashville, Tennessee 37202-0207
thomas.aumann@ag.tn.gov
Nikki.hashemian@ag.tn.gov

FOR THE DEFENDANT, CORECIVIC:

JOSEPH F. WELBORN, ESQUIRE
ERIN PALMER POLLY, ESQUIRE
K&L Gates, LLP
222 Second Avenue South
Suite 1700
Nashville, Tennessee 37201
joe.welborn@klgates.com
Erin.polly@klgates.com

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1 S T I P U L A T I O N

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4 The deposition of Raymond Byrd, taken on behalf
5 of the plaintiff, remotely via Zoom, by agreement of
6 parties, on May 7, 2021, for all purposes allowed under
7 the Federal Rules of Civil Procedure.

8 It is agreed that Carole K. Briggs, licensed
9 court reporter for the State of Tennessee, may swear the
10 witness, take his deposition, and afterwards reduce same
11 to typewritten form, and that the reading and signing of
12 the completed deposition by the witness is not waived.

13 All formalities as to notice, caption,
14 certificate, et cetera, are expressly waived. All
15 objections, except as to the form of the question, are
16 reserved to the hearing.

17

18 (Unless previously provided, all names are spelled
19 phonetically, to the best of the court reporter's
ability.)

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1 (Whereupon, the foregoing deposition
2 began at 9:02 a.m.)

3 THE COURT REPORTER: Today is May 7, 2021 at
4 9:02 a.m. At this time, would each attorney please
5 introduce yourself, who you represent and that you agree
6 to take this deposition virtually by Zoom.

7 MS. MAPLES: Janna Maples with Branstetter,
8 Stranch and Jennings for the plaintiff. And we agree.

9 MR. WELBORN: Joe Welborn and Erin Polly. We
10 represent CoreCivic. And we agree.

11 MS. HASHEMIAN: Nikki Hashemian. I represent
12 the State of Tennessee. And I agree.

13 Whereupon,

14 RAYMOND BYRD,
15 having been first duly sworn, was examined and deposed
16 as follows:

17 EXAMINATION BY MS. MAPLES:

18 Q. Good morning. Could you state your name for
19 the record.

20 A. Raymond Byrd. Byrd is spelled B-Y-R-D.

21 Q. And where are you currently employed?

22 A. CoreCivic.

23 Q. Are you currently assigned to a facility?

24 A. Not at this time.

25 Q. Up until recently, which facility were you

1 assigned to?

2 A. The Trousdale Turner Correctional Facility.

3 Q. What were the exact dates of your employment
4 at the Trousdale facility?

5 A. I am not going to be able to tell you exact
6 dates. I do know it was April -- March -- April, excuse
7 me, April of 2020 to March of 2021.

8 Q. And where were you before you were assigned
9 to Trousdale?

10 A. I was at the Cimarron Correctional Facility
11 in Cushing, Oklahoma, CoreCivic.

12 Q. Did you ask to be transferred or did
13 CoreCivic approach you about the Trousdale position?

14 A. CoreCivic approached me.

15 Q. When you started working at Trousdale, did
16 you have an understanding of what conditions were like
17 at the facility?

18 A. I don't know exactly what you mean by
19 conditions. Help me out just a little bit on that.

20 Q. When CoreCivic approached you about
21 potentially being transferred to Trousdale, did they
22 tell you anything about what day-to-day was like at the
23 facility?

24 A. When I was approached about the job,
25 basically I was told that the warden, I recall his name,

1 Rusty Washburn, was getting transferred to Georgia to be
2 close to his family. And I was asked would I take the
3 job. I told them, yeah, I'll take it.

4 Q. Did CoreCivic make you aware of any problems
5 at the Trousdale facility?

6 A. No, not any problems per se, no.

7 Q. Did they make you aware of any conditions at
8 the prison outside of the ordinary?

9 A. Respectfully, I don't -- outside or condition
10 -- I don't know what that means. Respectfully, I don't
11 know what that means.

12 Q. Okay. Well, I'm just asking if when you are
13 talking about going to Trousdale with CoreCivic, if they
14 told you anything about issues or concerns that
15 CoreCivic, as a company, had about the Trousdale
16 facility?

17 A. Actually, before I transferred, I went up and
18 toured the facility. I looked at the facility myself.

19 Q. But did CoreCivic tell you about anything
20 that the company had concerns about or issues with at
21 the facility?

22 A. Give me a minute to try to think of the
23 conversation I had with Mr. Keaton. Mr. Keaton was the
24 managing director who asked me about the job. Tennessee
25 inmates. Staffing, which dealing with that everywhere.

1 Basically that was about it. And again, I went up and
2 looked at the place for myself before I actually
3 accepted the job. When I looked at it, I told them,
4 yes, I'll take it. Not a problem.

5 Q. When you say Tennessee inmates, what do you
6 mean?

7 A. The contract, Tennessee contract.

8 Q. So you understood before you accepted the job
9 that staffing was an issue at the Trousdale facility?

10 A. Yes.

11 Q. When you discussed the job with Mr. Keaton or
12 anyone else at CoreCivic before you began the job, did
13 anyone mention the level of violence at the prison?

14 A. No.

15 Q. Did anyone mention any violent incidents at
16 the prison?

17 A. Not per se, no. Not to me, no.

18 Q. When you say not per se, what do you mean?

19 A. No one said, hey, we had incident X, Y, Z,
20 no. That's per se.

21 Q. When you started at Trousdale, were you aware
22 that the Tennessee comptroller of the treasury had
23 compiled several reports concerning audits they
24 performed at Trousdale and other Tennessee prison
25 facilities?

1 A. No, I was not aware of any audit. The
2 comptroller, no.

3 Q. During the course of your employment at
4 Trousdale, did you become aware of any audits conducted
5 by the Tennessee comptroller of the treasury?

6 A. Yes, I heard about it from one of the
7 contract monitors. And actually, I never heard of the
8 branch that did that. So he mentioned it to me when I
9 had a face-to-face with one of the contract -- Chris
10 Brun's the name.

11 Q. Did you ever review any audit reports from
12 the Tennessee comptroller of the treasury?

13 A. No.

14 Q. You never did?

15 A. No.

16 Q. And why is that?

17 A. I never did. I mean, no specific reason, I
18 never did. He -- Chris gave me a rundown on it. So no,
19 I did not read the document.

20 Q. When you say Chris gave you a rundown on it,
21 what did he tell you?

22 A. Basically, that this branch, whatever it's
23 called. You just mentioned it to me, but I forgot what
24 it's called. They come in and they do audits of
25 prisons. And Trousdale had an audit. Staffing had an

1 audit. Staffing was an issue. But other than that,
2 that's all I really recall Chris talking about this
3 comptroller's audit.

4 Q. Yes. Did Chris tell you anything else about
5 the conclusions or the findings of the audit?

6 A. No.

7 Q. So just staffing?

8 A. Basically staffing, yeah.

9 Q. Other than Chuck Keaton, which CoreCivic
10 executives have you been in contact with during your
11 time at Trousdale?

12 A. When you say been in contact with, about -- I
13 need you -- I need a little more, respectfully, a little
14 more. Are you referring to --

15 Q. Well --

16 A. I am sorry, go ahead.

17 Q. I'm just asking, since you've been at
18 Trousdale or while you were as Trousdale, which
19 CoreCivic executives did you have meetings with, did you
20 Correspond with via e-mail, did you text or talk on the
21 phone with?

22 A. In regard to Trousdale?

23 Q. Yes.

24 A. Okay. Patrick Swindall, I think chief
25 correctional officer. He came out shortly after I got

1 there and we walked around. Jason Medlin. Jason is the
2 -- I don't want to demote him or promote him -- VP, I
3 believe it is. Harold Shannon. Harold is over IT.
4 Some HR people. Cathy something. Cathy is essentially
5 retired. Cathy. That's all I can recall right now.

6 Q. What about the CEO?

7 A. Who is that?

8 Q. Damon?

9 A. Damon Hininger.

10 Q. Yes.

11 A. No, I've not spoken to Damon. No.

12 Q. Have you ever been to the CoreCivic
13 headquarters?

14 A. The new one, no.

15 Q. Where is the new one?

16 A. I don't really know. I know we've got a new
17 corporate office. But I don't -- it's somewhere in
18 Tennessee. I don't know where it's at. I've never been
19 to it.

20 Q. Where was the old one?

21 A. I don't know the exact address, but -- I
22 don't know the exact address. I know it's in Tennessee.
23 We built a new one somewhere. I don't know the exact
24 address of the old building, but I've been to the old
25 building several times.

1 Q. I don't need the exact address, I'm just
2 trying to figure out which one you've been to, that's
3 all.

4 A. The old one. Yes, the old one.

5 Q. How often did you have contact with CoreCivic
6 executives while you were warden at Trousdale?

7 A. Mr. Keaton, my manager director, he would
8 come by at least two days a week. At least two days a
9 week. Mr. Medlin, not so often. Patrick, I think I
10 just saw him maybe twice.

11 Q. How many times would you say you saw Jason
12 Medlin or interacted with him?

13 A. Maybe 10, 10 or 15 times.

14 Q. Now, when you say Chuck Keaton was the
15 managing director and you worked with him most closely,
16 what was his role as it applied to you? Was he -- did
17 you report to him?

18 A. He was my direct report, yes.

19 Q. Did you submit any kind of formal reports to
20 him?

21 A. Formal? I mean, if a situation would arise,
22 if he asked for it I would. I mean, if he asked me for
23 something, of course I would give it to him. Again, I
24 need...

25 Q. Okay, well, so it sounds like you might

1 submit a report situationally. But are there any
2 reports that you would be required to send him, just on
3 a regular basis? A monthly report, a weekly report?

4 A. We had weekly --

5 MR. WELBORN: Object to the form. You can go
6 ahead and answer.

7 THE WITNESS: Okay. We had weekly -- well,
8 sometimes, not always weekly, because sometimes they
9 would be canceled -- division calls. When I say we, I
10 mean the other Tennessee facilities because Mr. Keaton
11 was over all of those.

12 BY MS. MAPLES:

13 Q. When you say division calls, you mean
14 Tennessee?

15 A. Well, Mr. Keaton had Tennessee -- has
16 Tennessee and Georgia. So the wardens from Georgia and
17 Tennessee on the call.

18 Q. What kind of things were discussed during the
19 weekly division call?

20 A. Whatever Mr. Keaton wanted to talk about.

21 Q. Well, give me some examples.

22 A. Incidents. Counts. Graduation -- what are
23 the graduations -- GEDs or Vo-tech graduations,
24 certificates. Facility count. I'm trying to go down
25 the document in my mind. Oh, hiring events that we

1 would have. Vacancies. Anything else that he brought
2 up that he wanted to talk about.

3 Q. I think you said I am going down that
4 document in my mind. Was there some kind of agenda or
5 something submitted around by Mr. Keaton?

6 A. There was a format that he wanted us to go
7 by.

8 Q. What do you mean?

9 A. Again, if we had any kind of graduations.
10 Facility count. Vacancies. Incidents. There was a
11 little document that we had to -- a little format.

12 Q. Okay, so when you say format, do you mean
13 that you would fill it out in advance of the call or
14 that you would just have the answers ready and provide
15 them to him over the call?

16 A. Yes.

17 Q. Which one?

18 A. The latter you just said.

19 Q. Okay. And I think you said that sometimes
20 these calls got canceled. How often would you say they
21 got canceled?

22 A. I can't tell you. I don't know an exact
23 number. From time to time, depending on what Mr. Keaton
24 had going on, he may cancel some calls. The exact
25 number of times, I don't know.

1 Q. Okay, that's fair.

2 A. Thank you.

3 Q. I think you said you would typically talk to
4 Mr. Keaton twice a week. Is that including the weekly
5 division calls?

6 A. Yes.

7 Q. Did you submit memos of any kind to Mr.
8 Keaton?

9 A. If Mr. -- if he requested a document from me,
10 I gave it to him. And memos, I wouldn't say memos.
11 E-mails.

12 Q. So you sent e-mails to Mr. Keaton, then?

13 A. If he asked for something, sure, yeah.

14 Q. How often did Mr. Keaton ask you for things?

15 A. Occasionally. I can't give you an exact
16 number.

17 Q. That's okay. I understand that you can't
18 remember every time that he asked you for something over
19 a year. I completely understand that. I'm just trying
20 to get a general sense of if you felt like it happened,
21 you know, multiple times a week or just multiple times a
22 month. You know, that kind of thing.

23 A. I'm not trying to be difficult.

24 Respectfully, whenever he would ask, I would give it to
25 him. Respectfully.

1 Q. But you don't really have a sense of how
2 frequently that was?

3 A. No.

4 Q. It just happened and you did it?

5 A. Yes, ma'am.

6 Q. Did Mr. Keaton ask you for information
7 related to certain incidents at Trousdale?

8 A. Mr. Keaton -- if we had an incident, of
9 course, I had to call my boss, yes.

10 Q. Okay, so you're saying every time there was
11 an overdose, you would give him a call?

12 A. Every time there was a -- say it again.

13 Q. Let's say there was an overdose, is that
14 something that you would call Mr. Keaton about?

15 A. What, on drugs?

16 Q. Yes.

17 A. Not always, no, huh-uh.

18 Q. Okay, how about an inmate on employee
19 assault, is that something you would call him over?

20 A. Not always.

21 Q. But sometimes?

22 A. Sometimes, yes, definitely.

23 Q. How about a homicide of an inmate?

24 A. Absolutely. Yes, ma'am.

25 Q. How about just a stabbing that did not result

1 in death?

2 A. A stabbing that did not result in death?
3 Generally, I would call him about something like that.
4 Unless it -- I mean, if it was something that didn't
5 break the skin, I wouldn't call him. Because he would
6 always get notified of that on our system, so...

7 Q. When you discussed the comptroller report
8 with Christopher Brun, did Mr. Brun give you his opinion
9 about the findings and the conclusions in those reports?

10 A. I don't recall. I don't recall him giving me
11 his opinion on it.

12 Q. Did anyone else give you their opinion on the
13 findings and conclusions of the comptroller report?

14 A. Not that I can recall, no.

15 Q. Did you ever discuss the comptroller reports
16 with Mr. Keaton or anyone else at CoreCivic?

17 A. Not that I can recall. No, other than he
18 might -- he, Mr. Keaton, might mention that the state,
19 you know, conducts those reports, audits, whatever you
20 want to call them. Other than that, no, not getting
21 down into the weeds of the specific details of the
22 report, no.

23 Q. So you all did discuss staffing issues at
24 Trousdale, it just may not have been in the context of
25 the comptroller report --

1 A. Yes.

2 Q. -- is that right?

3 A. That's correct.

4 Q. When you started working at Trousdale, did
5 you work with CoreCivic to put together some kind of
6 plan or strategy on how you might address the staffing
7 issues at Trousdale?

8 A. That was already in place when I got there.
9 I mean, all those things you just mentioned were already
10 in place.

11 Q. So you didn't come in to do anything new or
12 different or enhanced with regard to staffing; is that
13 right?

14 A. Again, those -- there's a word I'm trying to
15 come up with. That was already in place when I got
16 there.

17 Q. What are some of the things that, during your
18 tenure at Trousdale, CoreCivic did to attempt to
19 increase the staffing levels?

20 A. Okay, during my time there, several things
21 the company's trying to do to get staffing. Referrals.
22 Employee could refer a person and get a bonus of
23 referring people. Retention bonuses. I think, and I
24 may be wrong on this, but I think -- no, I am not wrong.
25 After six months -- starting pay was 16.50. After six

1 months, it went up \$1. All kind of hiring events.
2 Radio advertisements.

3 As a matter of fact, I went to Fort Campbell
4 a couple of times while I was there to try and recruit
5 staff. Flyers around town. The little things at the
6 gas pumps you put on -- I can't think of the name of
7 them. All kind -- a lot of different ways of trying to
8 get people in. I had a pretty good pipeline there, too.
9 A pretty good pipeline.

10 Q. When you say -- I think you said the pay
11 started at 16.50 and then went up a dollar; is that
12 right?

13 A. Yeah, after six months, yes. Relocation
14 bonuses. We had this group called Walls Group,
15 W-A-L-L-S, that we hired to go out and set up different
16 job fairs. Walls Group recruit folks. The company
17 would pay, I mean, really good. Moving expenses. Give
18 folks a bonus. Doing a lot to get the staffing up, in
19 my opinion.

20 Q. The salary of 16.50 an hour, was that
21 determined by you or was that in place before you got
22 there?

23 A. That was in place before I got there.

24 Q. And when you say it went up a dollar after
25 six months, was that your decision?

1 A. It was in place when I got there.

2 Q. Did you ever suggest, let's raise the salary
3 per hour by \$3?

4 A. No.

5 Q. Why is that?

6 A. Why did I never suggest paying them three
7 more dollars an hour? It never crossed my mind, to be
8 honest with you.

9 Q. Well, it doesn't just have to be \$3. Any
10 amount more an hour?

11 A. No, I did not. I didn't ask for anything
12 above and beyond what the company already had in place
13 when I got there.

14 Q. Did the company decide the hourly pay for
15 Trousdale employees or was that up to, you know,
16 individuals employed at the facility?

17 A. The salary was determined by the company.

18 Q. So that's not something that Warden Washburn
19 had put into place, that was decided by the executives
20 at CoreCivic?

21 A. Well, I just assumed -- maybe I should never
22 assume nothing. So 16.50 is what they were being paid
23 when I got there, and I was told after six months that
24 it was raised to 17. If Rusty done that, I didn't know
25 anything about it. I just thought that's what the

1 company put in place. Maybe I should -- just let me
2 slow down and shut up. 16.50 is what they made when I
3 got there. And I was told after six months, they got a
4 dollar raise. Who put that in place, I guess I really
5 don't know.

6 Q. Did you have authority over or responsibility
7 for the amounts that were being spent by CoreCivic on
8 increasing the staffing levels at Trousdale?

9 A. If I -- during the time I was there, if I
10 wanted to add a position to the staffing pattern, I
11 would have to request that through Mr. Keaton. And I
12 don't think I ever did. I don't think I did.

13 Q. So some of the things you described,
14 referrals, retention bonuses, relocation bonuses, job
15 fairs, are those something that you were responsible
16 for, or that were handled by CoreCivic headquarters?

17 A. It was some of each. We had -- I say we.
18 The facility had a budget, recruiting advertising
19 budget. So I guess I had -- I had control over that,
20 but anything over that was approved from corporate
21 office.

22 Q. When you say the facility had a budget, was
23 there just one budget or did you have a series of
24 budgets?

25 A. We had a line item on our budget for

1 advertising, recruiting, retention.

2 Q. I think you stated that you never requested
3 to add any employees to the staffing pattern; is that
4 right?

5 A. You know, I don't think I did. I may have, I
6 just don't recall adding a position or taking away. I
7 may have, but again, if I did, there was a form that we
8 had to fill out that goes through Mr. Keaton. But right
9 now, sitting here today, I can't recall asking him for
10 that. I can't recall. Sitting here today, I can't.

11 Q. How often would you say you talked about
12 staffing with Mr. Keaton?

13 A. Again, when we had our little calls -- when
14 we had our division calls, again, that was one of the
15 agenda items that was on the agenda. So when we had the
16 calls, for sure. And I guess, you know, when he came in
17 to do his visit, when we would walk and talk, I'm sure
18 he asked me about it and I told him where we were at.
19 I'm sure that happened, yeah.

20 That happens everywhere. Every prison I ever
21 worked at, the warden talks to his boss about staffing.
22 He should. I have. Raymond Byrd has. Every prison
23 I've worked as a warden. Let me say this: When I got
24 Trousdale -- maybe I'm talking too much -- in April,
25 okay? And then COVID hit. Like it hit everywhere else

1 in the world, it hit us hard, too. Yeah. While I was
2 there.

3 Q. Are you saying COVID impacted staffing
4 levels?

5 A. Big time. Everything. Every part of
6 operations at the prison it affected.

7 Q. Staffing levels were already a problem,
8 though, before COVID hit, to be fair, right?

9 A. Yeah.

10 MR. WELBORN: Object to the form.

11 THE WITNESS: Did somebody say something?

12 MR. WELBORN: You can answer if you can.

13 THE WITNESS: Again, when I arrived in April,
14 there was recruiting events going on. Always get your
15 staffing up. That's nothing new. I mean, that's
16 nothing new to any in every prison I've ever worked at,
17 even as a CO. It's nothing new. You're never going to
18 be fully staffed. Never. Raymond Byrd has never worked
19 at a prison, from a correctional officer until now, that
20 was fully staffed. So you're always hiring. You're
21 always hiring. And when I got to Trousdale, we were
22 hiring.

23 BY MS. MAPLES:

24 Q. But when you got to Trousdale, I think we
25 have already talked about this, you were informed that

1 staffing was a problem pre-COVID?

2 A. Yes, ma'am, I was. But again, every prison
3 I've worked at, staffing is priority one.

4 Q. How often did Chuck Keaton visit Trousdale?

5 A. I would say at least twice a week, I would
6 see him.

7 Q. So he actually physically visited the
8 facility?

9 A. He lived right there in town, yes. Well, he
10 lived about 30 miles away, so yeah.

11 Q. Okay, I'm just trying to make sure I fully
12 understand.

13 A. I'm sorry, I'm laughing because me and him
14 are good friends and I saw him too much, I told him.
15 But yeah, we're good friends.

16 Q. So you did your weekly division calls with
17 Chuck Keaton. You saw him probably twice a week at the
18 facility. And then you also corresponded with him,
19 either by e-mail or you talked to him on the phone,
20 about various incidents as they occurred; is that right?

21 A. Incidents. He may have just called to say,
22 hello, how are you doing, man? Yeah, we talked. It
23 wasn't always about an incident. I mean, we would -- he
24 would just check in on me. Check in on Raymond, just
25 individually.

1 Q. When there were homicides at the facility,
2 what kind of discussions did you have with Mr. Keaton?

3 A. The who, what, when, where.

4 Q. What kind of feedback were you given from Mr.
5 Keaton?

6 A. Well, basically -- feedback. Well, Raymond,
7 did you make sure the customer is notified? Of course.
8 How about the next of kin?

9 Q. Did he ever say anything like, wow, Raymond,
10 we've had a lot of homicides at Trousdale?

11 A. No, he never said that, not to me.

12 Q. Did he ever tell you any remedial measures
13 that you should take at Trousdale as a result of
14 homicide?

15 A. We would always go back and, you know, look
16 at the incident and what happened, how was it caused.
17 And if there is something that we need to change or do.
18 I mean, that was just SOP, that's standard operating
19 procedure. Any, not only incident, that's standard
20 procedure. You always look at what caused it, what
21 happened. That's standard.

22 Q. I understand that, I'm just trying to figure
23 out exactly or generally what kinds of communications
24 you and Mr. Keaton had about those homicides. So any
25 specific suggestions that he gave you about how you

1 might remedy situations that led to a homicide?

2 A. Right here, sitting here today, I cannot
3 think of any kind of remedies he may have gave me, other
4 than what I just mentioned, that's again, the standard.
5 Any time you have incident, you are always looking at
6 the who, what, when and how it happened. All of that's
7 standard stuff.

8 Q. How many homicides were there while you were
9 warden of Trousdale?

10 A. Let me think. I want to say two.

11 Q. Do you know the names of those inmates?

12 A. No, ma'am, I'm sorry, I do not.

13 Q. Does the last name Adams ring a bell?

14 A. It does not.

15 Q. So Aaron Blake Adams, does that refresh your
16 recollection?

17 A. No, I'm sorry, it does not. I'm not saying
18 it wasn't.

19 Q. What about Terry DeShawn Childreth?

20 A. The name doesn't ring a bell. It does not.

21 Q. Do you know how many overdoses there were
22 while you were at Trousdale?

23 A. No.

24 Q. Can you describe what a lockdown is?

25 A. Well, at nighttime, I think we had nine

1 o'clock, everybody had to go in their cells and
2 lockdown. Lockdown. Rack up, lockdown.

3 Q. Okay. What about a lockdown that is not
4 regularly scheduled, but is related to an incident; do
5 you know what I'm referring to?

6 A. Sure. From time to time, if you have an
7 incident and you deem that you have to secure the
8 institution, you will lock -- maybe not the whole
9 institution, you will lockdown the actual -- we call
10 them pods there at Trousdale. Lockdown that pod that it
11 happened in.

12 Q. Is there a different term for that, for an
13 incident-related lockdown versus a regularly scheduled
14 lockdown?

15 A. It's a lockdown.

16 Q. Do you have to report to TDOC or to CoreCivic
17 every time there is a lockdown?

18 A. Not every time, no.

19 Q. Which lockdowns do you have to report?

20 A. I hope I am not misstating this, but for TDOC
21 -- and that might have been Oklahoma. If there was an
22 incident -- no, not every incident. We didn't have to
23 report every incident. If it was an out-of-the-norm, we
24 would have to call -- well, actually, just call the
25 contract monitor. Contract monitor, tell them about it.

1 And then there was a report you had to report to -- I
2 think it's called the CCC, and I don't know what the
3 three C's stand for. CCC. They're in Tennessee. But
4 if you didn't lockdown the whole institution, you didn't
5 have to report that to the CCC.

6 Q. So there is a report you fill out and then
7 you have to let the contract monitor know; is that
8 right?

9 A. That's correct.

10 MR. WELBORN: Object to the form.

11 BY MS. MAPLES:

12 Q. Did you discuss lockdowns with CoreCivic?

13 A. Not all the time, no. No.

14 Q. How often would you say you had a lockdown of
15 the entire institution?

16 A. Are you asking me how many -- this is, of
17 course, respectfully -- how many times while I was there
18 that we had to lock the prison down?

19 Q. Yes, that are unrelated to regularly
20 scheduled lockdowns?

21 A. The entire institution or a pod?

22 Q. Yes, the entire institution.

23 A. Okay. While I was there -- I can't give you
24 an exact number. If I shoot too low, I'm wrong, if I
25 shoot too high. We had to do it. It wasn't an everyday

1 thing, it wasn't an every week thing, but from time to
2 time, we had to lock the institution down. I don't know
3 an exact number. I do not.

4 Q. Okay, and I am going to ask you some
5 questions about numbers. And I understand that you
6 don't have an exact sense, but I'm just trying to get in
7 the ballpark, okay?

8 A. Yes, ma'am.

9 Q. Is it more than ten times when you were
10 there?

11 A. Respectfully, I don't know sitting here
12 today, how many times. We did, from time to time, have
13 to lock the institution down. I don't know --
14 respectfully, I don't know a number.

15 Q. No, I understand. It sounds like you can
16 say, though, that it wasn't more than 50.

17 A. Respectfully, I don't want to throw a number
18 out there because I'm going to be wrong. I don't know.
19 Respectfully, I just don't know. But I will
20 wholeheartedly admit yes, from time to time, we had to
21 lock the institution down, yes. But I just don't
22 know...

23 Q. Okay. So did partial lockdowns occur more
24 frequently than total institutional lockdowns?

25 A. A pod, that would be considered a partial,

1 yes, definitely. They -- yeah, pods, I'm sure in my
2 head that we would lock down a pod quicker than we would
3 the whole institution, yes. For a variety, yeah, of
4 reasons. Shakedown. Surprise shakedown. Stuff like
5 that. So that number would be higher than the whole
6 institution.

7 Q. Did you also have partial lockdowns related
8 to violent incidents?

9 A. We had fights, yeah. Again, it would come a
10 time we would have to lock the pod down to figure out
11 what happened. Yes. COVID.

12 Q. What was your role in ensuring that
13 CoreCivic's reporting at Trousdale was complete and
14 accurate?

15 A. My role as a warden?

16 Q. Uh-huh.

17 A. Was to do just what you said, the reports are
18 complete and accurate to the best of my ability and
19 knowledge.

20 Q. When you were warden at Trousdale, did
21 CoreCivic have trouble submitting complete and accurate
22 reports?

23 A. Trouble reporting to the customer, being
24 TDOC? I'm sorry, I know you're asking the question, but
25 I am just asking for clarity, respectfully.

1 Q. Yes. That's what I mean, TDOC.

2 A. If we -- if they needed additional
3 information, we would provide that. If they had
4 additional follow-up questions. I don't -- a problem?
5 I don't -- I wouldn't call it a problem. I mean, if
6 they had follow-up questions or what have you, yes, we
7 would provide additional information.

8 Q. Well, I mean, CoreCivic has certain reporting
9 requirements at Trousdale, right?

10 A. Yes, correct.

11 Q. Did CoreCivic experience difficulties or
12 trouble in complying with those reporting requirements
13 at Trousdale?

14 A. Again, and respectfully I'm asking this to
15 you, referring to the customer, TDOC?

16 Q. Yes.

17 A. If there was ever a problem that I was made
18 aware of, again, we got them what they wanted. Now,
19 when I was off, of course, the AW stepped up and stepped
20 in and took care of business. We had two contract
21 monitors on site that we work real close with. So if
22 there was a problem with the report, they would bring it
23 to our attention, we would rectify it, get additional
24 information, whatever the request was. Sometimes, you
25 know, we would have to correct spelling on some reports

1 and stuff like that.

2 Q. I guess what I'm trying to figure out is how
3 often, in your opinion or in your recollection,
4 CoreCivic failed to submit complete and accurate reports
5 to TDOC?

6 A. Respectfully, if a report was submitted --
7 and again, if the customer had a question and wanted
8 additional information about a report, I mean, we
9 responded to their request. I didn't -- respectfully, I
10 didn't sit down and keep numbers of the requests that we
11 would get about, hey, we need this, we need that from a
12 report. And again, we had two contract monitors on
13 site.

14 Q. So you're telling me about what you did when
15 someone pointed out that there was an issue with a
16 report. I'm trying to figure out how often there was an
17 issue with a report. Does that make sense?

18 A. It makes sense, and I don't have the answer
19 today. I'm sorry, but I don't have that answer.

20 Q. Was ensuring that reports that were submitted
21 were complete and accurate a priority for you while you
22 were warden at Trousdale?

23 A. One hundred percent.

24 Q. Did you, when you became warden of Trousdale,
25 change any of the policies that were in place before you

1 arrived concerning reporting?

2 A. No.

3 Q. Did you have an understanding about whether
4 reporting, the accuracy of reporting and the
5 completeness of reporting, was an issue at Trousdale
6 before you became the warden?

7 A. No, ma'am.

8 MS. MAPLES: I'm going to show you a
9 document.

10 (Exhibit 1 was marked.)

11 BY MS. MAPLES:

12 Q. Mr. Byrd, Do you see that on your screen,
13 there is a performance audit report dated January of
14 2020?

15 A. Yes, ma'am.

16 Q. And do you see that it's from the Tennessee
17 Comptroller of the Treasury?

18 A. Justin P. Wilson.

19 Q. And I'm going to scroll down. Do you see on
20 this page, it's PDF Page 5, it's unnumbered in the
21 document, there is a heading, key conclusion?

22 A. Yes, ma'am, I see it.

23 Q. Do you see that if we scroll down to PDF Page
24 6, there is a heading, public reporting of inmate deaths
25 and other serious incidents?

1 A. Yes, ma'am, I see that.

2 Q. Do you see that the line under that, also in
3 red, states: Management did not ensure that state and
4 CoreCivic facility staff collected and reported
5 complete, accurate and valid information. As a result,
6 their ability to provide reliable data is problematic.

7 A. May I read this, please?

8 Q. Sure.

9 A. I just want to -- it says management --

10 Q. The whole thing or --

11 A. No, just the part we're talking about right
12 now.

13 Q. Okay.

14 A. Okay. Yes, ma'am, I read that.

15 Q. And of course, this report is dated before
16 you got there, right?

17 A. I got there -- this was January, I think,
18 yes. Before I got there, yes.

19 Q. So it sounds like, based on this, would you
20 agree that complete and accurate reporting was an issue
21 before you got to Trousdale?

22 MR. WELBORN: Object to the form.

23 MS. HASHEMIAN: Object to the form.

24 THE WITNESS: This was before I arrived. I
25 don't have an opinion one way or the other on this

1 report, respectfully.

2 BY MS. MAPLES:

3 Q. Do you think any of this would have been
4 useful to you to be aware of while you were warden of
5 Trousdale?

6 A. Respectfully, I talked to Chris Brun about
7 the report. This never came up. My job, as you stated
8 earlier, was that when we had incidents, that the
9 customer was notified timely. When I got there from
10 April going forward. This -- may talk to Rusty about
11 this. I'm sorry, respectfully, I mean...

12 Q. We've already talked a little bit about
13 staffing, but do you see that on Page 8 of the PDF,
14 there is a section titled correctional staffing
15 department turnover?

16 A. Yes, ma'am, I do.

17 Q. So based on this report, staffing was a
18 concern?

19 MR. WELBORN: Object to the form.

20 THE WITNESS: Before my time, ma'am, again.
21 When I got there, as I stated earlier, we talked about
22 the staffing in April and the things we were doing. So
23 this -- this says management. Are they talking about
24 the management of the state? Where I'm reading, it says
25 management.

1 BY MS. MAPLES:

2 Q. They are.

3 A. Yeah, state. Okay.

4 Q. Right. Do you see that this heading here
5 says inmate services and support, still on PDF Page 8?

6 A. Yes, ma'am.

7 Q. And do you see that -- and I agree with you,
8 when they're saying management, they're referring to
9 TDOC management -- but it states: Management did not
10 ensure that state and CoreCivic facilities performed
11 mandatory procedures designed to protect and serve
12 inmates?

13 A. May I read this, please?

14 Q. Sure.

15 A. I would like to see what Finding 15 was, if
16 that's permissible.

17 Q. Sure. Let me get you right to the page.
18 Give me just a second.

19 A. All right, thank you. I'm good.

20 Q. Do you see that it states in the second
21 sentence, in the paragraph under the line we just read:
22 Furthermore, Trousdale Turner Correctional Center did
23 not conduct the minimally required number of random
24 inmate drug screenings. And I'm not going to continue
25 the rest of the sentence, but do you see that the first

1 part concerns Trousdale Turner and a random inmate drug
2 screening?

3 A. Yes, ma'am.

4 Q. Was conducting the minimally required number
5 of random inmate drug screenings a problem for CoreCivic
6 while you were at Trousdale?

7 A. It probably was and I'll tell you why.
8 COVID, when COVID hit, again, it affected every piece of
9 operation at Trousdale. Positive inmates had to be
10 cohorted. Negatives this way. You were the positive,
11 so you got to go this way. So I'm sure it did. I'm
12 sure, yeah, we probably didn't get them done because of
13 that COVID.

14 Q. Well, according to this, does it seem like it
15 was also a problem before you got there?

16 MR. WELBORN: Object to the form.

17 MS. HASHEMIAN: Object to the form.

18 THE WITNESS: This is a before-Raymond-Byrd
19 question. Somebody before me, respectfully.

20 BY MS. MAPLES:

21 Q. I understand that. I'm just saying, based on
22 what we've just read, does it seem like there was a
23 problem with Trousdale completing the minimally required
24 number of random inmate drug screenings?

25 MR. WELBORN: Object to the form. Asked and

1 answered.

2 THE WITNESS: Respectfully, ma'am,
3 respectfully, this was before my time. There could have
4 been situations such as what I dealt with COVID, that
5 same thing. I don't know. So I don't really -- I don't
6 know what went on at that time. I don't know.

7 BY MS. MAPLES:

8 Q. When you became warden of Trousdale, did you
9 change any of the policies with regard to conducting the
10 minimally required number of random inmate drug
11 screenings?

12 A. No, ma'am.

13 Q. Is that because you didn't know that it was a
14 problem before you got there?

15 A. It's because I can't change --

16 MR. WELBORN: Object to the form.

17 THE WITNESS: I can't change policy. I can't
18 change policy.

19 BY MS. MAPLES:

20 Q. You can't change what policy?

21 A. Which policy you just asked me about?

22 Q. Well, you just said I can't change policy.

23 A. About this drug screening?

24 Q. And I said what policy are --

25 A. No, ma'am. In order for a policy to be

1 changed, in general, generally speaking, it has to go
2 through legal counsel at the CoreCivic. So no, I never
3 changed any policy while I was there.

4 Q. Well, can you change certain activities that
5 might impact whether or not CoreCivic employees at
6 Trousdale are adhering to a policy?

7 A. I'm sorry, please, one more time. I'm sorry.

8 Q. Well, I'm just saying, I understand that you
9 can't change policy, right? That makes sense. But it
10 doesn't seem like you're completely powerless to take
11 certain action that might enable CoreCivic employees to
12 better adhere to policy, right?

13 A. That's correct.

14 Q. So what did you do to help CoreCivic
15 employees at Trousdale better adhere to policies
16 concerning the minimally required number of random
17 inmate drug screenings?

18 A. Again, ma'am, respectfully, shortly after I
19 arrived at Trousdale, the pandemic hit. It hit the
20 prison. A lot of things that we would normally do, we
21 didn't do. A lot by the advice of medical doctors from
22 TDOC. Again, I keep bringing up this -- it's just a
23 fact. When the pandemic hit, ma'am, we had 1300 cases
24 of that stuff. We had to cohort people all the time.
25 So this wasn't on my mind at that time, to be totally

1 honest with you.

2 Trying to keep that COVID from -- out as best
3 we could was my focus. This -- while I was there.
4 COVID almost dominated my time at Trousdale. Totally
5 out of my control. I wish it wouldn't happen anywhere.
6 But my focus of the time at Trousdale, for every bit of
7 six or seven months, was dealing with COVID. It really
8 was. And a lot of things didn't take place. The state
9 knew it. They were having the same issues. So COVID
10 dominated my time at Trousdale. COVID. And I am not
11 making light of COVID, because we lost staff because of
12 COVID. So that was really on my mind while I was there.

13 MS. MAPLES: Do you all want to take a quick
14 break?

15 THE WITNESS: I would, please, and I
16 appreciate that.

17 MS. MAPLES: Okay, great. Can we go off the
18 record?

19 (Recess observed.)

20 BY MS. MAPLES:

21 Q. Mr. Byrd, what are some of the consequences
22 of not having an adequately staffed prison? Hello? Mr.
23 Byrd, we can't hear you. Are you --

24 A. Can you hear me now?

25 Q. Yes.

1 A. Okay, I'm sorry about that.

2 Q. No problem.

3 A. A lot of activities are going to fall short
4 on. Activities. I mean, there's a list of things that,
5 you know, when you don't have the staff, you just can't
6 get the stuff done. But then you have to -- you have to
7 -- and you don't have the staff for a variety of reasons
8 sometimes. So you have to make do with what you got.
9 You can't cry about not having it. Not having it, you
10 have to make due with what you got. Make it happen.
11 Because I've not worked at a prison that, again, my
12 37-year-career, that was fully staffed.

13 Q. So what are some examples of some of the
14 consequences of not having an adequately staffed prison?

15 A. Respectfully, if you can narrow down
16 examples. I can give you example after example after
17 example. If you can just narrow it down, we can go
18 through this quicker. I can give you all kinds of
19 examples, respectfully.

20 Q. No, you're fine. Would you agree that
21 there's a relationship between the number of staff you
22 have and your ability to conduct an adequate number of
23 cell searches?

24 A. Could.

25 Q. Would you agree that having an inadequately

1 staffed prison might result in inmates having greater
2 access to contraband, like homemade weapons or drugs?

3 A. Might.

4 Q. Would you agree that having an adequately
5 staffed -- strike that. Would you agree that having an
6 inadequately staffed prison might impact your ability to
7 make the required number of rounds?

8 A. Might.

9 Q. Throughout the prison?

10 A. Might.

11 Q. Would you agree that an understaffed prison
12 would have less oversight of inmates, generally?

13 A. Could.

14 Q. Would you agree that an understaffed prison
15 results in more stress for the employees that are there?

16 A. Definitely could, yes.

17 Q. Would you agree that when a prison is
18 understaffed, employees are less able to intervene in a
19 violent incident?

20 A. Could.

21 Q. Can understaffing lead to a decrease in the
22 amount of ongoing training that employees receive on the
23 job?

24 A. Could.

25 Q. Does understaffing also kind of create a

1 circular effect where it leads to higher turnover?

2 A. Could.

3 Q. Do you think there is a relationship between
4 understaffing and safety at a prison, generally?

5 A. It could.

6 Q. Okay, you're saying it could. What are the
7 things that -- the factors that might influence that
8 from could to would?

9 A. I don't, respectfully, don't really
10 understand what you're asking me there. But again, I'm
11 agreeing with you, it could. It could. All of those
12 things you mentioned, I said it could.

13 Q. Are there any others related to safety?

14 A. Are there any others?

15 Q. Yeah, I'm just trying to figure out the
16 consequences of having an understaffed prison. You
17 know, I've given you a number of examples, so you kind
18 of see where I'm going. Are there any others?

19 MR. WELBORN: Object to the form.

20 THE WITNESS: Ma'am, there's -- again, it
21 could be seating in chow, fed on time. People get
22 hungry, like I get hungry. I'm hungry now. You get
23 hungry sometimes. You get chow fed, because you don't
24 have -- understaffed could lead to a plethora of the
25 things you just talked about. Yes, could. Could.

1 BY MS. MAPLES:

2 Q. Okay, well, give me some examples related to
3 inmate safety or violence.

4 A. You just -- excuse me, I'm sorry.
5 Respectfully --

6 MR. WELBORN: Object to the form.

7 THE WITNESS: You mentioned those things,
8 ma'am. Your rounds and all of that.

9 BY MS. MAPLES:

10 Q. I'm just asking if there is any more.

11 A. I'm sure there is. I just can't think of
12 them right now.

13 Q. Okay. What about does staffing have an
14 impact on the prison's ability to conduct inmate
15 programming?

16 A. Yes, ma'am. It could.

17 Q. Would you agree that inmate programming has
18 an important role in reducing violence inside a prison?

19 A. It definitely could, depending on the
20 individuals, yes, it could. Very much so, yes.

21 Q. You've mentioned having to make due with what
22 you have in terms of staff. Is one of the ways that
23 CoreCivic has had to make due with what they have at
24 Trousdale having employees work overtime?

25 A. Yes, ma'am.

1 Q. How much overtime have employees had to work?

2 A. That's a broad question, respectfully, but I
3 will tell you this: It's CoreCivic's policy that
4 employee, an employee, cannot work more than 80 hours in
5 a pay period.

6 Q. What is a pay period?

7 A. Every other week. Not two weeks, every other
8 week. So you can't work 80 hours -- you cannot work
9 over 80 hours of overtime in a pay period, which is
10 every other week. Two weeks, every other week.

11 Q. Okay, so they can't work more than 80 hours
12 of overtime in a two-week period?

13 A. Yes, ma'am.

14 Q. How many hours do employees work in a
15 two-week period that is not considered overtime?

16 A. 80.

17 Q. Okay. So that means employees work 40 hours
18 a week, right, of regular non-overtime?

19 A. There's a schedule that we had, that in a
20 two-week period, the employee worked, based off the
21 schedule, 84 hours. Which four of that would have been
22 overtime, based off the schedule that we were working at
23 the time.

24 Q. Okay, so 84 hours is non-overtime; is that
25 right?

1 A. Four of that --

2 Q. In a two-week period?

3 A. Four of that 80 hours would be overtime,
4 based off the schedule.

5 Q. Okay. And then according to CoreCivic
6 policy, they're not allowed to work more than 80
7 additional hours in overtime; is that right?

8 A. Yes, ma'am.

9 Q. So that means that according to CoreCivic
10 policy, employees are permitted to work 164 hours in a
11 two-week period?

12 MR. WELBORN: Object to the form.

13 THE WITNESS: Was that a question, ma'am?
14 I'm sorry.

15 BY MS. MAPLES:

16 Q. Yes. Is that right?

17 A. I'm not doing the math again. And
18 respectfully, the schedule allows for four hours of
19 overtime, depending -- four hours overtime. So you work
20 84 hours, okay? And then you cannot work the additional
21 80 hours over that. Anything between is good. You
22 can't go over that.

23 Q. Okay, so anything up to 164 hours in a
24 two-week period is allowed?

25 A. So you are adding that overtime on there, I

1 am with you now. I am just not good with math.

2 Q. Me either.

3 A. Yeah, you're pretty good. You fooled me.

4 Q. Okay, so 164 hours in a two-week period, you
5 can't work more than that according to CoreCivic policy?

6 A. Yes, ma'am.

7 Q. Okay, how often did employees have to work
8 more than that in violation of CoreCivic policy at
9 Trousdale while you were there?

10 A. I don't know the answer to that right now. I
11 don't without looking at some kind of report. I don't
12 know the answer to that. I mean, we tried everything
13 that I know to not let that happen. But if it happened,
14 I don't know. I don't know.

15 Q. Are you saying that, yeah, I know it
16 happened, I just can't tell you how frequently, or I
17 don't know if it happened or not?

18 A. Yeah, thank you for giving me the opportunity
19 to clean that up. I don't know if it happened or not
20 without looking at some type of report. I wouldn't
21 know.

22 Q. Who would know that?

23 A. The human resources department.

24 Q. The human resources department at CoreCivic
25 or at Trousdale?

1 A. Trousdale, CoreCivic, either one, they can
2 pull it.

3 Q. How hard is that to calculate?

4 A. I'm sorry, ma'am, I'm the wrong person to
5 ask. I rely on HR people to tell me stuff like that. I
6 don't know.

7 Q. Well, I mean, I'm just trying to get a sense
8 of, you know, if you called and asked them for that
9 information, would you expect them to say, sorry Warden
10 Byrd, that's going to take us a month, or would you
11 expect to have it the next day?

12 A. Yeah, the next day is reasonable.

13 Q. What are some of the consequences of having
14 employees work a substantial amount of overtime?

15 A. Some of the consequences could be, you know,
16 fatigue sets in after so long. Of course, could be.
17 Just not being as attentive as one should be. Those
18 type of things could happen. I think that's --

19 Q. Could it impact an employee's response time
20 if there is some sort of violent incident going on?

21 A. Could.

22 Q. Is overtime mandatory in any way at
23 Trousdale?

24 A. It was while I was there.

25 Q. How much overtime was mandatory?

1 A. It depends on -- it would have depended on
2 the schedule and the need. So I can't -- I'm sorry, I
3 just can't give you a number answer to that question. I
4 mean, the -- what we call the master scheduler, who
5 makes the rosters out, would determine what -- at
6 Trousdale it was that she -- she would need to cover the
7 shifts. So it just depends.

8 Q. Could the amount required of an employee of
9 overtime have reached that 80-hour mark that CoreCivic
10 sets as the limit?

11 A. I don't think that -- I don't recall that
12 being the case. I don't. I don't recall that being the
13 case. Nobody brought that to my attention if that was
14 the case, no.

15 Q. Would you agree that having employees work a
16 lot of overtime can lead to employees getting burned
17 out?

18 A. It could, yes, could.

19 Q. Which leads to turnover?

20 A. Could.

21 Q. If an employee is on shift and his or her
22 replacement has not arrived, is that employee kind of
23 frozen in place until someone arrives to fill the post?

24 A. That could happen, yes. That could be the
25 case. Could. Sometimes the supervisor pulls a rabbit

1 out of their hat and finds somebody. But that could be
2 the case, yes. But situations like that, because we
3 were on 12-hour shifts at the time, that employee could
4 only stay over for four hours, 16 hours.

5 Q. Did everyone work a 12-hour shift?

6 A. No, no.

7 Q. Which categories of employees worked a
8 12-hour shift?

9 A. It's not going to fall -- if you were on a
10 shift, then you were -- you may be required to work -- I
11 mean, you were required to work 12 hours. So we had
12 some -- nothing but shifts is correctional officers.
13 All correctional officers didn't work shifts. We had
14 some on transportation and other positions, not
15 technically assigned to the shift.

16 Q. So you're saying the correctional officers
17 always had a 12-hour shift?

18 A. Again, we had some correctional officers that
19 were not assigned to a shift. The army. We had -- the
20 individuals over the army that's not assigned to a
21 shift. They -- typically, they're a five-day-a-week
22 employee. So they're not assigned to a shift. Am I
23 making -- I'm probably not making sense, but I'm trying.

24 Q. So if an employee had been there 12 hours,
25 they could stay over, up to 16 hours; is that right?

1 A. If they were on shift doing 12 hours, they
2 could stay over an additional four hours.

3 Q. Do you know of situations where an employee
4 stayed over more than four hours?

5 A. I don't know that, but looking at some -- the
6 report can tell me that. But I don't know that.

7 Q. Would that be concerning to you if an
8 employee was there more than 16 hours?

9 A. Yes.

10 Q. Continuously?

11 A. Continuously, yes, that would. Yes.

12 Q. What about if an employee is working more
13 than 160 hours in two weeks, is that concerning?

14 A. It would be, yes.

15 Q. Has CoreCivic policy always been that you
16 can't work more than 80 hours in a two-week period of
17 overtime?

18 A. I don't know if that's always been the
19 policy. I don't know. I don't know that.

20 Q. Well, do you recall if it was, at one point,
21 50 hours in a two-week period?

22 A. No. I don't know.

23 Q. Okay. So for the entire time you were at
24 Trousedale, it was 80?

25 A. Yes.

1 Q. How many beds does Trousdale have?

2 A. I'm not -- I don't know the exact number. I
3 think it's a 2500-bed facility. I don't know, let me
4 put it like that. I don't know. I don't know the exact
5 number. I don't.

6 Q. While you were at Trousdale, was Trousdale at
7 capacity or above capacity or below capacity?

8 A. No, we were -- at the time I was there,
9 because of COVID, we were not over capacity. No. No.
10 COVID was -- no.

11 Q. And when we say capacity, is capacity equal
12 to the number of beds or is it some number less than the
13 number of beds?

14 A. I don't want to say -- to speak -- I don't
15 know the answer to that. I don't know. I want to say
16 the capacity is 25 something, but I don't want to be
17 wrong and, hey, you said this. I don't know.

18 Q. I think you misunderstood me. I am not
19 asking for numbers here.

20 A. Okay.

21 Q. I'm just asking how you define the term
22 capacity? Do we determine the number of -- do we
23 determine capacity based on the number of beds or is it
24 some number that's different than the number of beds?

25 A. I don't know the answer to that. I don't.

1 I'm sorry, I don't know. I'm just not -- I don't want
2 to misspeak.

3 Q. I'm not trying to --

4 A. I can't hear you.

5 MS. HASHEMIAN: Janna, we can't hear you.

6 (Off-the-record technical difficulties.)

7 BY MS. MAPLES:

8 Q. Okay, Mr. Byrd, sorry about that. Before we
9 lost connection, I was asking you about the relationship
10 between the number of beds the facility has and
11 capacity, okay? And all I'm trying to figure out is
12 that if a facility has 2500 beds, would we say that
13 facility has a capacity of 2500 inmates?

14 A. That is Raymond Byrd's understanding. Simple
15 me. That's my understanding.

16 Q. Okay. And if you have the exact number of
17 inmates that you have beds at the facility, does that
18 present challenges when it comes to housing assignments?

19 A. I don't know the answer to that because I've
20 never had to -- I've never dealt with that. So I don't
21 know. I've never dealt with being at cap -- I don't
22 know. Respectfully, I don't know. I've not had to deal
23 with that.

24 Q. Did you have issues with inmate segregation
25 when you were at Trousdale?

1 A. Inmate segregation? I need a little clarity.

2 Did we have trouble with inmate segregation?

3 Respectfully, I don't --

4 Q. What is inmate segregation?

5 A. When you separate inmates from the general
6 population. Segregate them from the population.

7 Q. Why might inmates be segregated from the
8 general population?

9 A. Escape risk, a risk to each other or self.
10 For protection. There is one other one. One other one
11 I can't think of right now. Protection. Escape.
12 Security risk.

13 Q. Did Trousdale have inmates who were in inmate
14 segregation for protection who were then assaulted while
15 they were in inmate segregation for protection?

16 A. Yes.

17 Q. Do you know how many times?

18 A. No, ma'am, I'm sorry. With not looking at
19 documents, I couldn't tell you how many times.

20 Q. Was that concerning to you?

21 A. Yes, ma'am.

22 Q. What did you determine caused or allowed that
23 to happen?

24 MR. WELBORN: Object to the form.

25 THE WITNESS: There were times staff -- staff

1 made mistakes by not properly securing doors. We even
2 had a case where the inmates were very creative and
3 they'd found out a way to compromise their locks.

4 BY MS. MAPLES:

5 Q. Staffing not securing doors, could that be
6 related to being understaffed?

7 A. I wouldn't look at that as being the issue,
8 those two correlating, no. If you open a door, you
9 close the door back. I mean, it's just that simple. If
10 you didn't have -- if no one -- if you didn't have
11 anybody to open the door, the door was not going to get
12 opened. So if the correction officer opens the door,
13 it's expected the correctional officer to make sure the
14 door is secured. So I wouldn't tie that together, no.

15 Q. Well, if that correction officer has been
16 working for 15 hours and is exhausted or that correction
17 officer is having to monitor three pods instead of one,
18 might that correction officer be more likely to make a
19 mistake like not properly securing a door?

20 A. I wouldn't say more likely.

21 MR. WELBORN: Object to the form.

22 THE WITNESS: I wouldn't agree with the term
23 more likely, no, ma'am.

24 BY MS. MAPLES:

25 Q. When Trousdale staff conducts rounds or

1 inspections, is checking doors part of those
2 inspections?

3 A. Yes, ma'am.

4 Q. If you're short-staffed, might that impact
5 the way that a cell search or an inspection is carried
6 out?

7 A. Respectfully, I think I heard what you said,
8 but if you don't mind, would you please repeat that one
9 more time for me, please.

10 Q. I'm asking if a prison is understaffed, might
11 its inspections or its cell searches be less effective,
12 less thorough?

13 A. Probably not getting done.

14 Q. So maybe if you're understaffed, you're less
15 likely to notice that a door was not secured during an
16 inspection or a cell search?

17 A. That's possible.

18 Q. I think you also mentioned as one of the
19 causes of inmates being assaulted while they were in
20 protective custody, staff making mistakes. Can you be
21 more specific about that?

22 A. Getting complacent probably is a better word.
23 I should have used complacent. Instead of mistakes,
24 complacent. Example, when you put those inmates in
25 segregation at Trousdale, handcuffs, you know, you've

1 got to put them cuffs on and make sure they're properly
2 secured. If you don't, they get out of them. And
3 that's not only Trousdale, that's other prisons I worked
4 at, too. That's not new to Trousdale.

5 Q. Why might employees not put handcuffs on an
6 inmate in protective custody or in inmate segregation?

7 A. Afraid to touch the inmate and actually
8 secure them because they don't want the inmate to
9 holler, cuss, scream at them when they walk by the cell.
10 Get feces chucked on them. Stuff like that. That's
11 what I've seen in my career.

12 Q. What are some other things that led to
13 inmates getting attacked or assaulted in protective
14 custody?

15 A. Protective custody or segregation or both?
16 Just in general, segregation?

17 Q. Both.

18 A. Both? I've see cases when the inmates have
19 been moved from the cell to the shower, let's say.
20 Correction officer supposed to have a grip on that
21 inmate. Sometimes the inmate pulls away from the grip
22 and they get to kicking at each other. Like kicking,
23 stuff like that.

24 Q. Is it important to have a rapid response time
25 when violent incidents are occurring?

1 A. Yes.

2 Q. Since you've been at Trousdale, can you think
3 of situations in which there has been a response time
4 that wasn't what it should have been or that in your
5 opinion was a bit too delayed?

6 A. There were times when an incident would
7 happen, I wish staff would have gotten there sooner,
8 yes. Yes.

9 Q. Were there incidents that occurred that you
10 thought to yourself or told others, staff didn't get
11 there soon enough?

12 A. I don't think I ever told anyone that, no.
13 Again, my general thinking on that, I wish staff could
14 have gotten there sooner. Trousdale is a big place.
15 You've got to go through a number of gates to get --
16 doors to get to certain places. And that's just the way
17 the place is designed. Just like other prisons I worked
18 at, it's no different. You don't leave your gates --
19 you aren't supposed to leave your gates and doors open.
20 But yeah, due to some physical plant issues, delayed the
21 response. So my thinking, I wish they could have gotten
22 there sooner. But knowing why they didn't, I always
23 understood that.

24 Q. You did somewhat planning issues? I am
25 sorry, I didn't catch that?

1 A. If somebody could read back to me on --

2 MS. MAPLES: Did the court reporter catch
3 that? Can you just read it back?

4 (Off-the-record discussion.)

5 MS. MAPLES: No worries, we'll just keep
6 going.

7 BY MS. MAPLES:

8 Q. It sounds like you were saying something to
9 the effect of any delay in response time to a violent
10 incident was due to some kind of planning issues. And
11 I'm just trying to figure out what you were saying.

12 A. I don't --

13 MR. WELBORN: Object to the form.

14 THE WITNESS: I would like the court reporter
15 to read it back, because I don't think that's what I
16 said.

17 THE COURT REPORTER: I don't have planning
18 issue anywhere in the answer.

19 MR. WELBORN: It was plant. It was plant
20 issue.

21 MS. MAPLES: A what, Joe?

22 MR. WELBORN: Plant.

23 THE WITNESS: Physical plant. Physical
24 plant. Design of the physical plant.

25 MS. MAPLES: Physical plant, okay.

1 THE COURT REPORTER: That's what I have, too.

2 MS. MAPLES: Got it. Right. Thank you.

3 BY MS. MAPLES:

4 Q. What are the staffing assignments with regard
5 to a specific pod?

6 A. In the general population, we have one -- we
7 had one building at Trousdale that was a dormitory
8 setting. So I'm talking the pods. Staffing assignments
9 would be one officer per pod. Is that what you're
10 asking me?

11 Q. Yes, that's what I'm asking you. So every
12 pod is meant to have its own correctional officer; is
13 that right?

14 A. Correct.

15 Q. Okay, why is that important?

16 A. It's called direct supervision.

17 Q. Okay, and why is direct supervision
18 important?

19 A. Well, as far as I'm concerned, some places,
20 you know, don't have direct supervision. But Trousdale
21 is what we are talking about. That the officers inside
22 the pod, the inmates actually see the officer. If they
23 may have a question for the officer. The officer is
24 making sure that nobody is doing anything they're not
25 supposed to be doing. He or she is making the rounds

1 and being visible. That's why it's important.

2 Q. Is it important for safety at Trousdale to
3 have direct supervision?

4 A. Yes.

5 Q. Because Trousdale was understaffed, were
6 there ever times in which each pod did not have its own
7 correction officer assigned?

8 A. Yes.

9 Q. How often would you say that happened?

10 A. Respectfully, without looking at rosters, I
11 couldn't tell you. I couldn't tell you and be truthful
12 about it. Not that I am trying to be untruthful, but I
13 have to look and I can tell you. Today, I don't want to
14 give you a number, just throw a number out there,
15 because I don't know.

16 Q. I understand if you can't give me numbers.
17 In certain situations, you can just give me kind of a
18 descriptor. Was it regular that that happened? Did it
19 happen regularly? Was it rare? Was that a common thing
20 to have happen?

21 A. No, it was not a common thing.

22 Q. Was it a rare thing?

23 A. Respectfully, that's why I want just rosters
24 because we -- rosters would tell matter of factly how
25 many times. I don't want to get caught in that game.

1 If I had the rosters --

2 MS. MAPLES: Okay. Well, let's look at this
3 Exhibit 2 to your deposition.

4 (Exhibit 2 was marked.)

5 BY MS. MAPLES:

6 Q. Do you see this is a document that appears to
7 be authored by Jon Walton, TDOC contract monitor of
8 compliance?

9 A. Yes, ma'am.

10 Q. Do you see that it's dated February 25th of
11 2021?

12 A. I see that. Yes, ma'am.

13 Q. And do you see that the audit period for this
14 report is listed as monthly staffing December 1st, 2020
15 to December 31st, 2020, and quarterly items October 1st
16 of 2020 through December 31st of 2020?

17 A. Audit period, December. Quarterly. October.
18 Okay. Yes, I see it.

19 Q. If you look at Noncompliance No. 1, do you
20 see that they're referring to a monitoring instrument,
21 Staffing Item 1B?

22 A. Yes, ma'am.

23 Q. Are you familiar with the TDOC monitoring
24 instruments?

25 A. I've heard -- they've spoken to me about it,

1 but I've not actually set down and looked at their
2 auditing instrument. I have not.

3 Q. Okay, did you, when you were at Trousdale,
4 ever get a noncompliance report that you understood to
5 have been based on these monitoring instruments used by
6 the contract monitors?

7 A. Yes.

8 Q. And do you understand this document that
9 we're looking at here, that's Exhibit 2, to be a
10 noncompliance report?

11 A. I think that's what it's titled, right? Yes.

12 Q. And how often did you get noncompliance
13 reports concerning staffing?

14 A. Respectfully, I can't give you a number
15 answer. I don't know if they do these things monthly.
16 Whenever the contract -- respectfully, when they did
17 them, I mean, yeah, monthly staffing, they would send
18 them. Yeah. Quarterly. December, no, that's monthly.
19 Auditing period monthly. And then it talks about
20 quarterly items.

21 Q. Do you see that if we scroll down to
22 Noncompliance No. 3, it states that the requirement
23 here, under applicable monitoring instruments, is check
24 every daily shift roster for all shifts for the previous
25 months, verify that all critical posts are staffed as

1 required?

2 A. Okay.

3 Q. Now, you referred a second ago to, I'd have
4 to see the rosters, right?

5 A. Correct.

6 Q. Is this the same roster that you're referring
7 to, the same one that they're talking about in this
8 noncompliance Item 3?

9 A. Yes. I'm -- yes.

10 Q. Okay. And do you see that here,
11 noncompliance Item 3, under noncompliance issue, Mr.
12 Walton has written: All critical posts shall be staffed
13 as required. However, multiple critical posts were not
14 covered during the monitoring period for the month of
15 December. There were 31 days in the month of December,
16 which the shift rosters reflected 733 critical posts
17 were not filled on time or were left vacant during the
18 security shift?

19 A. I see that.

20 Q. Do you remember being notified in December of
21 2020, or after December of 2020, that for that month,
22 there were 733 critical posts not filled on time or left
23 vacant?

24 A. No, I don't recall seeing this document, no.

25 Q. Does that number, 733 critical posts not

1 filled on time or left vacant, concern you?

2 A. If I knew that was a factual number, which I
3 don't, I am not saying it's one way or the other, but I
4 don't know that. When these reports are submitted, they
5 go to the FSC, facility support center, in Nashville.
6 And they vet all of these posts he says are not covered.
7 And sometimes John was wrong. So it would have to be --
8 I would have -- it would have to be vetted before I
9 could make a comment on that.

10 Q. Well, let's say it's accurate.

11 A. Let's say it's not accurate. I don't -- I
12 would like to see facts if that's the case. Again, our
13 FSC vetted these numbers and it went from there.

14 Q. When you say your FSC, what do you mean your
15 FSC? What does that mean?

16 A. I'm sorry. Facility support center staff.

17 Q. Is that CoreCivic?

18 A. Yes.

19 Q. Facility support center?

20 A. Yes.

21 Q. And they would go through these for you?

22 A. Yes, ma'am.

23 Q. And tell you whether or not CoreCivic got it
24 right?

25 A. Yes, ma'am.

1 Q. Does the facility support center maintain
2 records of all of those?

3 A. I don't -- they should.

4 Q. Well, when there was a noncompliance report,
5 weren't you given the opportunity to work with the
6 contract monitor on it?

7 A. We started actually working with the contract
8 monitors -- let me back up. We started meeting with the
9 contract monitors right before I got relieved of my
10 duties, probably February. We would do meetings with
11 them and discuss these issues and vet them right there
12 on the spot as best we could. But up until then, these
13 things would go to Nashville. Even after we met with
14 them, they still went to Nashville and went to the
15 facility support center to be vetted.

16 Q. Well, what about the action that you were
17 going to take at the prison based on these reports? I
18 mean, did that go to Nashville to CoreCivic or did you
19 handle that?

20 A. The action to fill critical post, that's at
21 the facility level. And sometimes, you know, there
22 could have been a very legitimate reason. Staff could
23 have gotten sick. I mean, you didn't have anybody else
24 to put. So the key was what was happening when I got to
25 the prison April, all of the things the facility was

1 doing to get the staffing increased. That we already
2 talked about, that's the key. I mean, that was going to
3 be our response back. I mean, same thing we've been
4 doing.

5 But you can't -- and then while I was there,
6 you had COVID. I keep bringing it up because COVID was
7 going on. Family members had to stay at home because
8 the kids couldn't go to school or the husband caught
9 COVID and the wife couldn't come to work. There was a
10 lot of reasons that we -- some of these noncompliance
11 issues came about. Not just... They made us go to an
12 off-site hospital post. That's not built into your
13 staffing plan. You have to find two officers to go to
14 that hospital post. And if it's three inmates, that's
15 six officers.

16 Q. Well, I mean, here's the thing, I am wanting
17 to ask if you are concerned about this 733 critical post
18 number. And you're telling me you would need more
19 information. So I'm looking through this report right
20 now to see if I can get you the additional information
21 you need so that we can get an answer on your level of
22 concern, okay?

23 So let's see. If we go to -- let's go here
24 first. It looks like there was a response provided by
25 Trousdale to this report, right?

1 A. That's what it says there, March 16th, 2021.

2 Q. Okay, and then if we go down, we have this
3 paragraph on the very last page titled response to
4 contractor and plan of corrective action taken, okay?
5 And it looks like, as you were stating, there were some
6 discrepancies, maybe in the counting, right? Do you see
7 that?

8 A. What sentence? (Reading to self.) Is that
9 the sentence you're talking about, positions?

10 Q. Well, it says positions -- there's a series
11 of four numbers -- incorrect filled dates pulled from
12 JDE and these were corrected and submitted to the
13 contract monitor on October 15th, 2020. Do you see
14 that?

15 A. I do.

16 Q. So what I'm trying to figure out, I mean,
17 does this seem like the response from CoreCivic about
18 any discrepancies in the 733 number?

19 A. What is the date of this again? The response
20 was the 16th of March?

21 Q. Uh-huh.

22 A. I wasn't --

23 Q. Well, I mean, I'm happy to let you scroll
24 through this report and see if you can get the
25 information you need to tell me whether the number 733

1 is concerning to you.

2 A. I don't know if that number is accurate,
3 respectfully.

4 Q. Well, I mean, CoreCivic had the opportunity
5 to respond to it if it was inaccurate, right?

6 A. Can we go to the top?

7 MR. WELBORN: Object to the form.

8 THE WITNESS: Respectfully, I don't know if
9 that number is accurate.

10 BY MS. MAPLES:

11 Q. Well, I mean, let's say they're off by 133
12 and then the answer is 600. I mean, is that number
13 concerning to you?

14 A. Again, respectfully, I don't know if these
15 numbers are accurate. I don't know, respectfully.

16 Q. Okay. What is a reasonable number of
17 unfilled critical posts in a one-month time period in
18 your opinion?

19 A. Is this a hypothetical?

20 Q. Yeah.

21 A. I like to deal with facts. I don't know if
22 this is factual. I don't have an answer to your
23 question. I don't have an answer, respectfully.

24 Q. Okay, well, this is factual. I'm asking in
25 your opinion, as warden of Trousdale or former warden of

1 Trousdale, what number of critical posts being left
2 unstaffed in a one-month time period is acceptable?

3 MR. WELBORN: Object to the form.

4 MS. HASHEMIAN: Object to the form.

5 THE WITNESS: Respectfully, I don't have an
6 answer to your question. I've tried as best I can to
7 tell you why. I don't have an answer to your question,
8 respectfully.

9 BY MS. MAPLES:

10 Q. Well, you told me it's because you don't know
11 the accuracy of these numbers. And I am not asking you
12 about the accuracy of the numbers. I'm saying that what
13 number, if it is guaranteed to be accurate, would you
14 see on one of these reports and say, wow, that is
15 unacceptable, the prison is in bad shape and we can't
16 keep going on like this?

17 MR. WELBORN: Object to the form. Asked and
18 answered.

19 MS. HASHEMIAN: Object to the form.

20 THE WITNESS: Ma'am, respectfully, I have
21 given you my answer on this. We can keep going back and
22 forth, but I am going to keep telling you the same
23 thing, respectfully.

24 BY MS. MAPLES:

25 Q. Is 733 the highest number of critical posts

1 that you had not filled on time or left vacant in a
2 one-month time period?

3 MR. WELBORN: Object to the form.

4 MS. HASHEMIAN: Object to the form.

5 THE WITNESS: I don't know if 733 is
6 accurate, respectfully.

7 BY MS. MAPLES:

8 Q. Well, is it the highest number that was
9 reported to you by the contract monitor, accurate or
10 not?

11 MR. WELBORN: Object to the form.

12 MS. HASHEMIAN: Object to the form.

13 THE WITNESS: I don't know, respectfully.

14 BY MS. MAPLES:

15 Q. When we have items here like response of
16 contractor and plan of corrective action taken, is that
17 something that would have been drafted by you or by
18 CoreCivic headquarters?

19 A. Please, will you repeat your question,
20 please.

21 Q. Sure. So here on this page, which is Bates
22 stamped TDOC 002502, there is certain text that is in
23 blue, right?

24 A. Everything is black and white on here.

25 Q. Well, do you see the third paragraph down has

1 a header, response of contractor and plan of correction
2 action taken?

3 A. I see that, yes.

4 Q. Okay. My question is just, is this something
5 that you would have drafted or that CoreCivic
6 headquarters would have drafted?

7 A. It would have been a combination of -- and I
8 didn't get involved with these. Our quality assurance
9 office, quality assurance office, and we have a team of
10 -- what do they call themselves? TDOC compliance
11 specialists. They would all sit down and review these,
12 forward them to my boss, who would then forward them on
13 up.

14 Q. Okay, so you didn't get too involved with
15 these?

16 A. During the time I was at Trousdale,
17 respectfully, I was dealing with COVID so much. No, I
18 didn't. I did not. I didn't spend a lot of time with
19 these.

20 Q. How many TDOC compliance specialists are
21 there at CoreCivic?

22 A. Let's see. Three, I believe.

23 Q. And are they included in facility support
24 services or are they separate?

25 A. Counselor, they work for Mr. Keaton, my boss.